

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

James Alphonso Griffin, Jr.,)
)
Plaintiff,) **Civil Action No.: _____**
)
v.) **(Removed from the Superior Court of**
) **Fulton County, Georgia Civil Action No.**
Freedom Mortgage Corporation,) **2023CV378048)**
)
Defendant.)

NOTICE OF REMOVAL

Defendant Freedom Mortgage Corporation (“Freedom”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby gives notice of the removal of this action to the United States District Court for the Northern District of Georgia, Atlanta Division. As grounds for this removal, Freedom states as follows:

I. Background

1. On or about March 28, 2023, Plaintiff, acting *pro se*, filed a document titled “Verified Complaint for Declaratory and Injunctive Relief” (the “Complaint”)

in the Superior Court of Fulton County, Georgia as Action No. 2023CV378048 against Freedom (the “State Court Action”).¹

2. Plaintiff’s Complaint relates to a piece of real property commonly known as 189 Durham Lakes Parkway, Fairburn, Georgia 30213 (the “Property”). (See Exhibit A, Complaint (“Compl.”), at ¶2.) Plaintiff alleges that Freedom violated various federal statutes by purportedly not allowing him to assume the mortgage of his late father. (See *id.* at ¶¶2-7.)

3. Plaintiff also seeks to enjoin Freedom from initiating foreclosure proceedings on the Property, from evicting Plaintiff from the Property, as well as money damages, including punitive damages. (See *id.*)

4. The Superior Court of Fulton County is a state court within this district and division.

5. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), which provides, in pertinent part, as follows:

The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and

¹ All pleadings that have been filed in the State Court Action that are available on the online docket for Fulton County, Georgia, are attached hereto as **Exhibit A**.

is not required to be served on the defendant, whichever period is shorter.

6. Plaintiff's Complaint was filed on March 28, 2023, but Defendant Freedom was not served until June 23, 2023. (*See* Ex. A, at p. 15.) This Notice of Removal is being filed within 30 days of service of the Complaint on Freedom and is therefore timely.

II. Grounds for Removal – Federal Question Jurisdiction

7. Pursuant to 28 U.S.C. § 1331, this Court has federal question jurisdiction over this lawsuit because it arises under the Constitution, laws, or treaties of the United States.

8. Plaintiff expressly alleges in the Complaint that Freedom violated the federal Truth In Lending Act, 15 U.S.C. § 1601, *et seq.* ("TILA"), the Real Estate Settlement Procedures Act, 12 U.S.C. § 2601, *et seq.* ("RESPA"), and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"). (*See* Exhibit A, Complaint ("Compl."), at ¶¶5, 6-7.)

9. Because Plaintiff's claims in the Complaint against Freedom arise under TILA, RESPA, and the FDCPA, this Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331.² *See Boone v. JP Morgan Chase Bank*, 447 F. App'x

² To the extent Plaintiff also asserts "state law claims based on the allegations of the complaint, this Court may exercise supplemental jurisdiction over such related

961, 963 (11th Cir. 2011) (“removal to federal court was proper because the district court had subject-matter jurisdiction based on the alleged violations of federal statutes including TILA, RESPA, and FDCPA”).

III. Grounds for Removal - Diversity Jurisdiction

10. This Court also has original diversity jurisdiction over this action under 28 U.S.C. § 1332.

11. Section 1332 provides, in pertinent part, that the “district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between . . . citizens of different states.” 28 U.S.C. § 1332(a)(1).

12. Here, both requirements for original diversity jurisdiction under 28 U.S.C. § 1332 are satisfied under the Complaint.

A. Complete Diversity of Citizenship Exists Between Plaintiff and Freedom.

13. Complete diversity exists here because Plaintiff and Freedom are not citizens of the same states.

claims.” *Family Walk Allah Trust v. Bouc, et al.*, No. 120CV04036LMMRGV, 2021 WL 2492721, *3, 7 (N.D. Ga. Feb. 22, 2021), report and recommendation adopted sub nom. *Fam. Walk Allah Tr. v. Bouc*, No. 1:20-CV-4036-LMM-RGV, 2021 WL 2492469 (N.D. Ga. Mar. 15, 2021); *see also Boone*, 447 F. App’x at 963 (“A district court may also exercise supplemental jurisdiction over state-law claims that form part of the federal ‘case or controversy,’ or, more specifically, ‘arise out of a common nucleus of operative fact with a substantial federal claim.’”).

14. Plaintiff is a resident and citizen of the state of Georgia. (Compl., ¶1.)

15. Defendant Freedom is a New Jersey Corporation, with its principal place of business located in Florida. (*See* Annual Registration of Freedom Mortgage Corporation with the Georgia Secretary of State for the years 2022 and 2023, a true and accurate copy of which is attached hereto as **Exhibit B.**)³ Therefore, Freedom is a citizen of New Jersey and Florida for the purposes of diversity jurisdiction. *See* 28 U.S.C. 1332(c)(1) (“a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business”).

16. Accordingly, there is complete diversity between Plaintiff and Freedom. (*See* Ex. B; Compl., ¶3.)

B. The Amount in Controversy Exceeds the Jurisdictional Requirement.

17. Diversity jurisdiction requires an amount in controversy of greater than \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a).

18. When a Plaintiff seeks declaratory or injunctive relief, “the amount in controversy is the monetary value of the object of the litigation from the plaintiff’s

³ The Court can take judicial notice of the records maintained by the Georgia Secretary of State pursuant to Fed. R. Evid. 201. *See Auto-Owners Ins. Co. v. G&D Constr. Grp., Inc.*, 588 F. Supp. 3d 1328, 1331 n.3 (N.D. Ga. 2022) (“courts can take judicial notice of public records maintained by a secretary of state”).

perspective.” *Cohen v. Office Depot, Inc.*, 204 F.3d 1069, 1077 (11th Cir. 2000).

“[W]hen the validity of a contract or a right to property is called into question in its entirety, the value of the property controls the amount in controversy.” *Waller v. Prof'l Ins. Corp.*, 296 F.2d 545, 547 (5th Cir. 1961).⁴

19. Here, Plaintiff seeks, among monetary relief (including punitive damages), to avoid a non-judicial foreclosure of the Property. (See Compl., at ¶¶3-7.)

20. Accordingly, the value of Property is at issue, and therefore the Court may look to the value of the Property in determining the amount in controversy for purposes of diversity jurisdiction. *See Roper v. Saxon Mortg. Servs., Inc.*, No. CIV. 1:09-CV312RWS, 2009 WL 1259193, *2 (N.D. Ga. May 5, 2009) (“As Plaintiff seeks injunctive relief barring the foreclosure on the property at issue, the value of the property determines the financial value at stake.”); *see also Waller*, 296 F.2d at 547.

21. Current tax records from Fulton County, Georgia, reflect that the total value of the Property is \$458,900.00. (See tax assessment record of Fulton County,

⁴ Decisions of the former Fifth Circuit rendered prior to October 1, 1981, constitute binding precedent in the Eleventh Circuit. *Sabal Trail Transmission, LLC v. 18.27 Acres of Land in Levy Cnty.*, 59 F.4th 1158, 1160 n.1 (11th Cir. 2023).

Georgia for tax year 2023 of 189 Durham Lake Parkway, attached hereto as **Exhibit C**).⁵

22. Accordingly, the amount in controversy is in this matter is in excess of \$75,000.00. (See Compl., ¶¶3-7; Ex. C.)

23. Because there is complete diversity of citizenship between Plaintiff and Freedom and because the amount in controversy is greater than \$75,000.00, this court also has diversity jurisdiction pursuant to 28 U.S.C. § 1332, and removal is proper.

IV. All Other Requirements for Removal are Satisfied.

24. This case is a civil action within the meaning of the Acts of Congress relating to the removal of causes.

⁵ As with the records of the Georgia Secretary of State, the Court can take judicial notice of the records maintained by the Fulton County Board of Tax Assessors pursuant to Fed. R. Evid. 201. *See, e.g., Fuller v. Suntrust Mortg., Inc.*, No. 1:13-CV-3924-TWT, 2014 WL 3887916, at *7 n.8 (N.D. Ga. Aug. 6, 2014) (taking judicial notice of county property tax records for amount in controversy determination); *Pah v. JPMorgan Chase Bank, N.A.*, No. 1:12-CV-4071-JEC, 2014 WL 1683332, at *2 (N.D. Ga. Apr. 29, 2014) (relying, in part, on Cobb County Tax Assessor's valuation of property for amount in controversy); *Baker v. Select Portfolio Serv., Inc.*, No. 1:12-CV-03493-JEC, 2013 WL 4806907, at *4 n.5 (N.D. Ga. Sept. 9, 2013) (finding amount in controversy satisfied by the value of the property where most recent tax assessment exceeded \$75,000).

25. Venue for removal is proper in this district and division under 28 U.S.C. § 1441(a) because this district and division embrace the Superior Court of Fulton County, Georgia, the forum in which the Civil Action was pending.

26. Freedom has heretofore sought no similar relief.

27. Removal at the present time will not result in any prejudice to Plaintiff.

28. Freedom reserves the right to amend or supplement this Notice of Removal.

29. A copy of this Notice is being filed with the Clerk of the Superior Court of Fulton County, Georgia, as provided under 28 U.S.C. § 1446, as shown by **Exhibit D** attached hereto.

30. By removing this action, Freedom does not waive any defenses available to it, including without limitation, defenses available under Federal Rule of Civil Procedure 12(b).

31. By removing this action, Freedom does not admit any of the allegations contained in Plaintiff's Complaint.

WHEREFORE, Freedom requests that the Court take jurisdiction of this action and issue all necessary orders and process to remove this action from the Superior Court of Fulton County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division.

Respectfully submitted this 19th day of July, 2023.

BRADLEY ARANT BOULT CUMMINGS LLP

/s/ Erik J. Badia _____

Erik J. Badia
Georgia Bar No. 327905
1230 Peachtree Street, NE
Atlanta, GA 30309
Telephone: (404) 868-2100
ebadia@bradley.com

Keith S. Anderson
Georgia Bar No. 136246
One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203
Telephone: (205) 521-8000
Facsimile: (205) 521-8800
kanderson@bradley.com

*Counsel for Defendant Freedom Mortgage
Corporation*

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), the undersigned certifies that this document has been prepared in accordance with Local Rule 5.1(B).

/s/ Erik J. Badia _____
Erik J. Badia

CERTIFICATE OF SERVICE

I certify that I have on this day served a true copy of the foregoing **NOTICE OF REMOVAL** by filing a copy of the same with the Court's CM/ECF system, and by depositing a copy in U.S. Mail, with adequate first-class postage affixed thereto, addressed as follows:

James Alphonso Griffin, Jr.
165 Fashion Xing
McDonough, GA 30252
Pro Se Plaintiff

This 19th day of July, 2023.

/s/ Erik J. Badia
Erik J. Badia

EXHIBIT A

IN THE SUPERIOR COURT OF FULTON COUNTY, GEORGIA
136 PRYOR STREET, ROOM C-103, ATLANTA, GEORGIA 30303

SUMMONS

James A. Griffin Jr

2023CV378048

Case No.: _____

Plaintiff.

vs

Freedom Mortgage Corporation

Defendant

TO THE ABOVE NAMED DEFENDANT(S):

plaintiff's attorney, whose name and address is:

James D. Roffman

165 Fashion Xing
McDonough GA
516-474-8989 30252

An answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service; unless proof of service of this complaint is not filed within five (5) business days of such service. Then time to answer shall not commence until such proof of service has been filed. **IF YOU FAIL TO DO SO, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

This 3/28/2023 day of 20

Honorable Cathelene "Tina" Robinson
Clerk of Superior Court
By _____ Deputy Clerk

To defendant upon whom this petition is served:

This copy of complaint and summons was served upon you _____, 20____

Deputy Sheriff

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

James Alphonso Griffin, Jr,
Plaintiff

Civil Action No. 2023CV378048

v.

EMERGENCY RELIEF REQUESTED

Freedom Mortgage Corporation,
Defendant

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
PRELIMINARY INJUNCTION
DECLARATORY AND INJUNCTIVE RELIEF**

COMES NOW, James Alphonso Griffin, Jr., Plaintiff, and file this Emergency Motion
For Temporary Restraining Order; Preliminary Injunction; Declaratory and Injunctive relief
And request expedited consideration of this Motion, and state as follows:

Plaintiff James Alphonso Griffin, Jr., ("Plaintiff") files this motion against Freedom
Mortgage Corporation, ("Defendant"). Plaintiff is a resident of Fulton County, Georgia.
Defendant is a mortgage lender and servicer with a principal place of business in the State of
New Jersey.

1.

This Court has jurisdiction over this action pursuant to O.C.G.A. 9-10-91 and 9-11-4
As Plaintiff is a resident of Fulton County and Defendant is authorized to do business in the
In the State of Georgia. Venue is proper in Fulton County, Georgia, pursuant to O.C.G.A.
9-10-93 as the property is located in Fulton County.

2.

Plaintiff's factual allegations are as follows: On October 13, 2020, Plaintiff's father,

James Alphonso Griffin, Sr., passed away without a will. Plaintiff's father owned the property Located at 189 Durham Lakes Parkway, Fairburn, Georgia 30213 (the "Property"). At the time Of his death, Plaintiff's father had a mortgage on the Property with the Defendant. Plaintiff and His siblings designated Plaintiff as the Administrator for their father's estate, with sole decision Power. Plaintiff contacted Defendant to advise them of his father's death and to assume responsibility for the mortgage account. Defendant advised Plaintiff that they would need an official Death Certificate with the government seal to allow Plaintiff to assume responsibility and control over the mortgage account. Plaintiff obtained an official Death Certificate with the government seal and provided it to Defendant. Immediately after receiving the Death Certificate, Defendant blocked Plaintiff from any access to the mortgage account.

3.

COUNT 1 - WRONGFUL FORECLOSURE

Defendant wrongfully initiated foreclosure proceedings on the Property without properly Notifying Plaintiff or providing him with a reasonable opportunity to cure any default. Defendant failed to follow the procedures set forth in O.C.G.A. 44-14-162.2 for notifying Plaintiff of the foreclosure proceedings and allowing him to cure any default. Defendant also failed to follow the procedures set forth in O.C.G.A. 44-14-162.4 for notifying Plaintiff of his Right to request a modification or other loss mitigation options.

4.

COUNT 11 – BREACH OF CONTRACT

Defendant breached the mortgage contract by refusing to accept payments or negotiate With Plaintiff after his father's death. The mortgage contract required Defendant to accept payments and work with Plaintiff to address any default or delinquency. Defendant also

breached the mortgage contract by applying miscellaneous fees and forced place insurance without proper notice or justification.

5.

COUNT 111 – VIOLATION OF TRUTH IN LENDING ACT

Defendant violated the Truth in Lending Act, 15 U.S.C 1601 et seq. (“TILA”), by Failing to provide Plaintiff with proper disclosures and notice of his right to rescind the mortgage loan. Defendant also violated TILA by failing to provide Plaintiff with accurate and complete loan servicing information, including payment history and fees.

6.

COUNT IV – BREACH OF GOOD FAITH AND FAIR DEALING

Defendant breached the implied covenant of good faith and fair dealing by blocking Plaintiff from any access to the mortgage account and failing to negotiate with Plaintiff. Defendant also breached the implied covenant of good faith and fair dealing by Defendant’s actions in blocking the Plaintiff from any access to the property mortgage account, preventing the Plaintiff from making payments or negotiation a forbearance or modification, constitutes a breach of the implied covenant of good faith and fair dealing. The Defendant’s actions in blocking the Plaintiff from any access to the property mortgage account, preventing the Plaintiff from making payments or negotiating a forbearance or modification, constitute fraud in violation of O.C.G.A. 51-6-2. The Defendant’s failure to provide the Plaintiff with a complete and accurate disclosure of the terms and conditions of the mortgage contract violates the Truth in Lending Act, 15 U.S.C 1601 et seq. The Defendant’s failure to provide the Plaintiff with a complete and accurate disclosure of the terms and conditions of the mortgage contract violates the Real Estate Settlement Procedures Act, 12 U.S.C 2601 et seq.

The Plaintiff incorporates by reference all previous paragraphs. The Defendant has violated the FDCPA, 15 U.S.C 1692, by engaging in unfair and deceptive practices in the attempt to collect a debt, and refusing to negotiate payment arrangements. Georgia Fair Business Practices Act (O.C.G.A. 10-1-390 et seq.)

WHEREFORE, Plaintiff respectfully requests that this court grant the following relief:

- A. An order enjoining and restraining Defendants, their agents, servants, employees, and attorneys, and any person or entity acting in concert or participating with them from:
 - (i) Taking any further action to foreclose on the Property;
 - (ii) Instituting any action or proceeding to evict Plaintiff from the Property
 - (iii) Making any representations, orally or in writing, that the Property has been foreclosed on, sold, or that title has otherwise been transferred to any third party;
and
 - (iv) Taking any other action that would interfere with Plaintiff's possession, use and enjoyment of the Property.
- B. An order directing Defendants to account Plaintiff for all payments made with respect to the Property, including all payments for insurance and taxes, and for all other amounts wrongfully assessed against the Property, including any improper fees, penalties, and interest.
- C. An order directing Defendants to provide Plaintiff with a full and complete accounting of all funds received in connection with the Property.
- D. An order directing Defendants to remove any negative credit reports made against Plaintiff's credit record.
- E. An award of actual damages, including but not limited to, loss of equity in the Property,

any costs associated with the wrongful foreclosure, any moving expenses, and any lost rental income.

F. An Award of punitive damages, in an amount to be determined by the Court.

G. Reasonable attorney's fees, expenses, and costs incurred in connection with this action, as allowed by law.

H. Such other and further relief as the Court may deem just and proper.

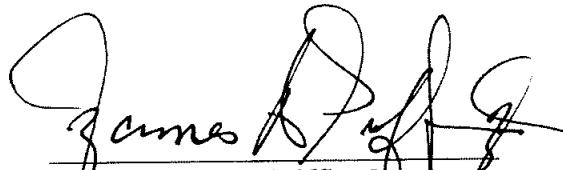
I. A cease-and-desist order, prohibiting Defendants from further violations of state and federal law, and awarding statutory damages to Plaintiff for any violations of such law.

J. An injunction, prohibiting Defendant's from any further collection efforts or communications with Plaintiff and from selling or assigning the alleged debt to any other party, pursuant to the Fair Debt Collection Practices Act.

K. Such other and further relief as the court deems just and proper under the circumstances.

Plaintiff requests a trial by jury.

Respectfully submitted this the 27th day of March 2023.


James Alphonso Griffin, Jr.
Pro Se

165 Fashion Xing
McDonough, Ga 30252

576-474 8989
Gundalkvip@gmail.com

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff James Alphonso Griffin, Jr., (“Plaintiff”) files this motion against Freedom Mortgage Corporation, (“Defendant”). Plaintiff is a resident of Fulton County, Georgia. Defendant is a mortgage lender and servicer with a principal place of business in the State of New Jersey.

1

This Court has jurisdiction over this action pursuant to O.C.G.A. 9-10-91 and 9-11-4
As Plaintiff is a resident of Fulton County and Defendant is authorized to do business in the
In the State of Georgia. Venue is proper in Fulton County, Georgia, pursuant to O.C.G.A.
9-10-93 as the property is located in Fulton County.

2

Plaintiff's factual allegations are as follows: On October 13, 2020, Plaintiff's father, James Alphonso Griffin, Sr., passed away without a will. Plaintiff's father owned the property Located at 189 Durham Lakes Parkway, Fairburn, Georgia 30213 (the "Property"). At the time Of his death, Plaintiff's father had a mortgage on the Property with the Defendant. Plaintiff and His siblings designated Plaintiff as the Administrator for their father's estate, with sole decision Power. Plaintiff contacted Defendant to advise them of his father's death and to assume

responsibility for the mortgage account. Defendant advised Plaintiff that they would need an official Death Certificate with the government seal to allow Plaintiff to assume responsibility and control over the mortgage account. Plaintiff obtained an official Death Certificate with the government seal and provided it to Defendant. Immediately after receiving the Death Certificate, Defendant blocked Plaintiff from any access to the mortgage account.

3.

COUNT 1 - WRONGFUL FORECLOSURE

Defendant wrongfully initiated foreclosure proceedings on the Property without properly Notifying Plaintiff or providing him with a reasonable opportunity to cure any default. Defendant failed to follow the procedures set forth in O.C.G.A. 44-14-162.2 for notifying Plaintiff of the foreclosure proceedings and allowing him to cure any default. Defendant also failed to follow the procedures set forth in O.C.G.A. 44-14-162.4 for notifying Plaintiff of his Right to request a modification or other loss mitigation options.

4.

COUNT 11 – BREACH OF CONTRACT

Defendant breached the mortgage contract by refusing to accept payments or negotiate With Plaintiff after his father's death. The mortgage contract required Defendant to accept payments and work with Plaintiff to address any default or delinquency. Defendant also breached the mortgage contract by applying miscellaneous fees and forced place insurance without proper notice or justification.

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Defendant violated the Truth in Lending Act, 15 U.S.C 1601 et seq. ("TILA"), by

Failing to provide Plaintiff with proper disclosures and notice of his right to rescind the mortgage loan. Defendant also violated TILA by failing to provide Plaintiff with accurate and complete loan servicing information, including payment history and fees.

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Defendant breached the implied covenant of good faith and fair dealing by blocking Plaintiff from any access to the mortgage account and failing to negotiate with Plaintiff. Defendant also breached the implied covenant of good faith and fair dealing by Defendant's actions in blocking the Plaintiff from any access to the property mortgage account, preventing the Plaintiff from making payments or negotiation a forbearance or modification, constitutes a breach of the implied covenant of good faith and fair dealing. The Defendant's actions in blocking the Plaintiff from any access to the property mortgage account, preventing the Plaintiff from making payments or negotiating a forbearance or modification, constitute fraud in violation of O.C.G.A. 51-6-2. The Defendant's failure to provide the Plaintiff with a complete and accurate disclosure of the terms and conditions of the mortgage contract violates the Truth in Lending Act, 15 U.S.C 1601 et seq. The Defendant's failure to provide the Plaintiff with a complete and accurate disclosure of the terms and conditions of the mortgage contract violates the Real Estate Settlement Procedures Act, 12 U.S.C 2601 et seq.

7.

The Plaintiff incorporates by reference all previous paragraphs. The Defendant has violated the FDCPA, 15 U.S.C 1692, by engaging in unfair and deceptive practices in the attempt to collect a debt, and refusing to negotiate payment arrangements. Georgia Fair Business Practices Act (O.C.G.A. 10-1-390 et seq.)

WHEREFORE, Plaintiff respectfully requests that this court grant the following relief:

- A. An order enjoining and restraining Defendants, their agents, servants, employees, and attorneys, and any person or entity acting in concert or participating with them from:
 - (i) Taking any further action to foreclosure on the Property;
 - (ii) Instituting any action or proceeding to evict Plaintiff from the Property
 - (iii) Making any representations, orally or in writing, that the Property has been foreclosed on, sold, or that title has otherwise been transferred to any third party; and
 - (iv) Taking any other action that would interfere with Plaintiff's possession, use and enjoyment of the Property.
- B. An order directing Defendants to account Plaintiff for all payments made with respect to the Property, including all payments for insurance and taxes, and for all other amounts wrongfully assessed against the Property, including any improper fees, penalties, and interest.
- C. An order directing Defendants to provide Plaintiff with a full and complete accounting of all funds received in connection with the Property.
- D. An order directing Defendants to remove any negative credit reports made against Plaintiff's credit record.
- E. An award of actual damages, including but not limited to, loss of equity in the Property, any costs associated with the wrongful foreclosure, any moving expenses, and any lost rental income.
- F. An Award of punitive damages, in an amount to be determined by the Court.
- G. Reasonable attorney's fees, expenses, and costs incurred in connection with this action,

as allowed by law.

H. Such other and further relief as the Court may deem just and proper.

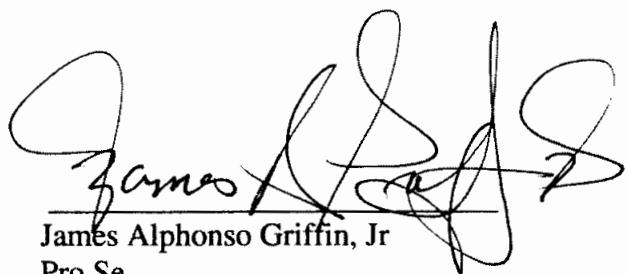
I. A cease-and-desist order, prohibiting Defendants from further violations of state and federal law, and awarding statutory damages to Plaintiff for any violations of such law.

J. An injunction, prohibiting Defendant's from any further collection efforts or communications with Plaintiff and from selling or assigning the alleged debt to any other party, pursuant to the Fair Debt Collection Practices Act.

K. Such other and further relief as the court deems just and proper under the circumstances.

Plaintiff requests a trial by jury.

Respectfully submitted this the 27th day of March 2023.



James Alphonso Griffin, Jr
Pro Se

165 Fashion Xing
McDonough, Ga 30252

516-474-8989
GuntALKVIP@Gmail.com
3/28/2023

General Civil and Domestic Relations Case Filing Information Form

 Superior or State Court of

Fulton County

For Clerk Use Only

Date Filed

3/28/2023
MM-DD-YYYY

Case Number

2023CV378048

Plaintiff(s)

Griffin James A Jr

Defendant(s)

Freedom Mortgage Corporation

Last First Middle I. Suffix Prefix

Plaintiff's Attorney

State Bar Number

Self-Represented

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- Automobile Tort
- Civil Appeal
- Contempt/Modification/Other Post-Judgment
- Contract
- Garnishment
- General Tort
- Habeas Corpus
- Injunction/Mandamus/Other Writ
- Landlord/Tenant
- Medical Malpractice Tort
- Product Liability Tort
- Real Property
- Restraining Petition
- Other General Civil

Domestic Relations Cases

- Adoption
- Contempt
 - Non-payment of child support, medical support, or alimony
- Dissolution/Divorce/Separate Maintenance/Alimony
- Family Violence Petition
- Modification
 - Custody/Parenting Time/Visitation
 - Paternity/Legitimation
 - Support – IV-D
 - Support – Private (non-IV-D)
 - Other Domestic Relations

Check if the action is related to another action pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number



I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

Do you or your client need any disability accommodations? If so, please describe the accommodation request.

RK

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

JAMES ALPHONSO GRIFFIN, JR,

Petitioner(s),

v.

FREEDOM MORTGAGE CORPORATION,

Respondent(s).

CIVIL ACTION FILE

NO. 2023CV378048

JUDGE KRAUSE

NOTICE OF INTENT TO DISMISS FOR FAILURE TO PERFECT SERVICE

The Court notes that service has not yet been perfected upon the Respondent(s) pursuant to O.C.G.A. §9-11-4, although the Petition/Complaint was filed on March 28, 2023.

Accordingly, Petitioner(s) is hereby noticed that unless Petitioner(s) causes valid service of process to be perfected pursuant to O.C.G.A. § 9-11-4 and the proof of service filed by June 28, 2023, the Petition/Complaint may be dismissed at the discretion of the Court.

SO NOTICED, this 5th day of June, 2023.

/S/ Mitchell Freehauf

Mitchell Freehauf,
Staff Attorney for Hon. Rachel R. Krause
Mitchell.Freehauf@fultoncountyga.gov

Filed and Served via eFileGA

IN THE SUPERIOR COURT OF Fulton COUNTY

STATE OF GEORGIA

James Alphonso Griffin Jr.
Plaintiff,§ Civil Action File No. 2023CV378048

v.

Freedom Mortgage,
Defendant.

§

§

CERTIFICATE OF SERVICE

I James Alphonso Griffin Jr., [name] hereby certify that on
6/23/2023 at 12:04 pm, [date] I served copies of
VERIFIED Complaint for Declaratory & Injunctive Relief, (name of document) on the following
parties by way of Hand Delivered in Person :
(U.S. mail, UPS, Overnight mail, fax, courier, etc.)

[Name and addresses of Parties]

CT Corporation, 289 S. Culver St. Lawrenceville Ga.
INTAKE Specialist Jane Richardson 30046
Registers Agent for Freedom Mortgage

This 23 day of June, 20 23.

James A. Griffin Jr.
Plaintiff (pro se)

AFFIDAVIT OF SERVICE

State of Georgia

County of Fulton

Superior Court

Case Number: 2023CV378048

**Plaintiff: James Alphonso Griffin Jr. vs.
Defendant: Freedom Mortgage Corporation**

Received by Hadjara Sanoko on the 27th day of June, 2023 at 10:37 pm to be served on **Freedom Mortgage Corporation, 289 S Culver st, Lawrenceville, GA 30048**. I, Hadjara Sanoko, being duly sworn, depose and say that on the 28th day of June, 2023 at 2:37pm., executed service by delivering a true copy of the **Summons, Verified Complaint for Declaratory and Injunctive Relief** in accordance with state statutes in the manner marked below:

CORPRATE SERVICE: By serving Jane Richardson, who identified themselves as the Intake Specialist a person authorized to accept service with identity confirmed by saying yes when named.

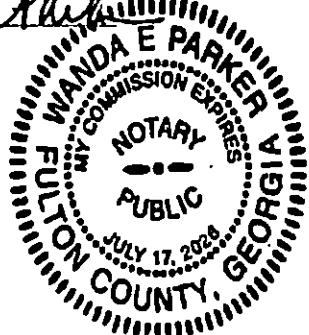
Age: 56, SEX F, Race White, Height 5'6, Weight: 210, Hair: Blonde, Glasses: Y

COMMENTS:

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 27
day of JUNE, 2023, by the affiant
who is personally known to me.

Monica Parker
NOTARY PUBLIC



Hadjara Sanoko
PROCESS SERVER

Appointed in accordance with State Statutes

Trust The Process Services

678-337-1883

EXHIBIT B

STATE OF GEORGIA
Secretary of State
Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

Annual Registration

Electronically Filed
Secretary of State
Filing Date: 02/01/2023 13:27:50

BUSINESS INFORMATION

BUSINESS NAME	:	FREEDOM MORTGAGE CORPORATION
CONTROL NUMBER	:	K201679
BUSINESS TYPE	:	Foreign Profit Corporation
JURISDICTION	:	New Jersey
ANNUAL REGISTRATION PERIOD	:	2023, 2024

BUSINESS INFORMATION CURRENTLY ON FILE

PRINCIPAL OFFICE ADDRESS	:	951 Yamato Road, Suite 175, Boca Raton, FL, 33431, USA
REGISTERED AGENT NAME	:	C T Corporation System
REGISTERED OFFICE ADDRESS	:	289 S Culver St, Lawrenceville, GA, 30046-4805, USA
REGISTERED OFFICE COUNTY	:	Gwinnett
OFFICER	TITLE	ADDRESS
David Firestone	CFO	907 Pleasant Valley Ave, STE 3, Mount Laurel, NJ, 08054, USA
MARIA T GALLUCCI	Secretary	907 PLEASANT VALLEY AVE. STE 3, MOUNT LAUREL, NJ, 08054, USA
STANLEY C. MIDDLEMAN	CEO	951 Yamato Road, Suite 175, Boca Raton, FL, 33431, USA

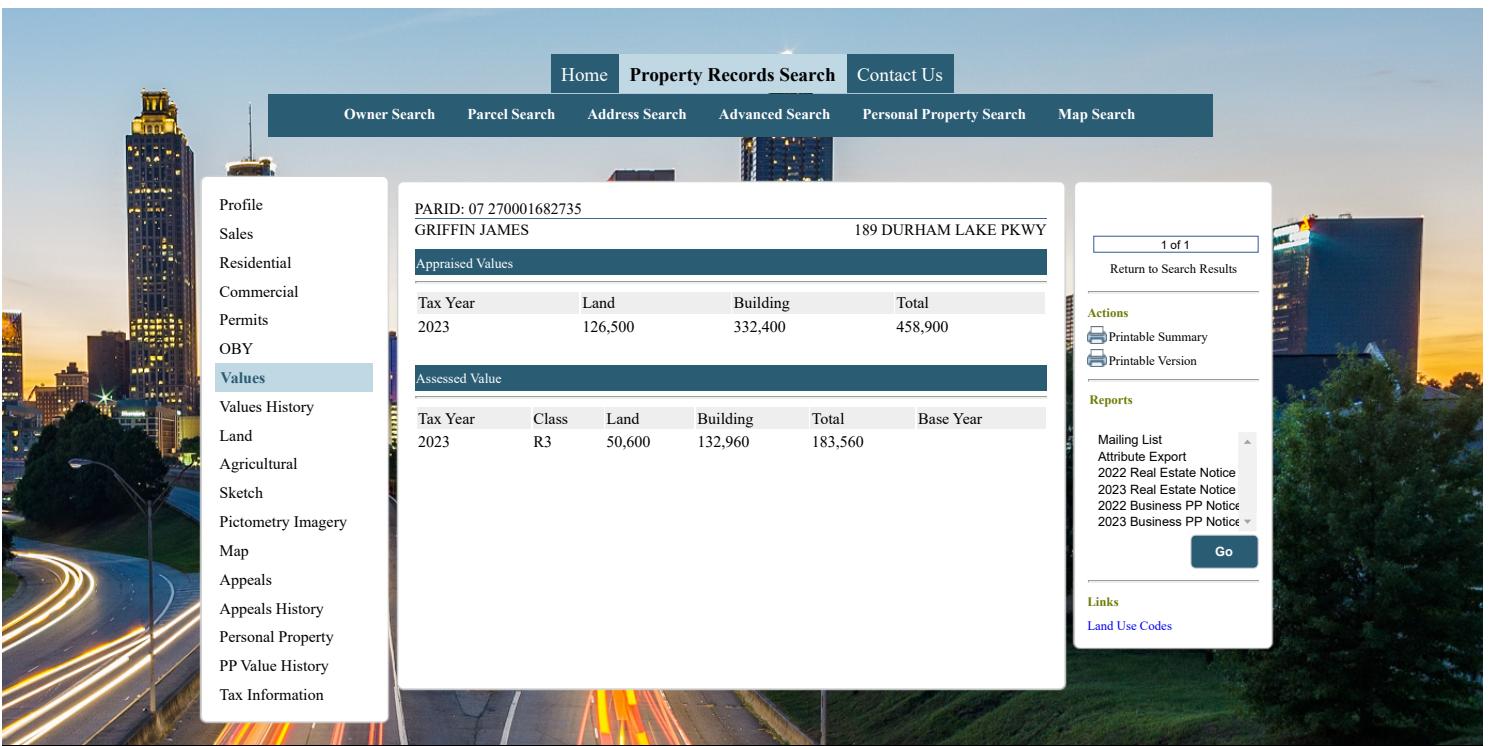
UPDATES TO ABOVE BUSINESS INFORMATION

PRINCIPAL OFFICE ADDRESS	:	951 Yamato Road, Suite 175, Boca Raton, FL, 33431, USA
REGISTERED AGENT NAME	:	C T Corporation System
REGISTERED OFFICE ADDRESS	:	289 S Culver St, Lawrenceville, GA, 30046-4805, USA
REGISTERED OFFICE COUNTY	:	Gwinnett
OFFICER	TITLE	ADDRESS
David Firestone	CFO	30 Lake Center, 401 Route 73, SUITE 110, Marlton, NJ, 08053, USA
MARIA T GALLUCCI	Secretary	951 Yamato Road, Suite 175, Boca Raton, FL, 33431, USA
STANLEY C. MIDDLEMAN	CEO	951 Yamato Road, Suite 175, Boca Raton, FL, 33431, USA

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE	:	Brian Richman
AUTHORIZER TITLE	:	Authorized Person

EXHIBIT C



The screenshot shows the Fulton County Board of Assessors website. The header includes the date (7/11/23, 10:21 PM), case number (Case 1:23-mi-99999-UNA), document number (Document 2293), filing date (Filed 07/18/23), and page number (Page 31 of 35). The main content area displays property records for PARID: 07 270001682735, owner GRIFFIN JAMES, located at 189 DURHAM LAKE PKWY. It shows appraised values for 2023 (Land: 126,500, Building: 332,400, Total: 458,900) and assessed values (Land: 50,600, Building: 132,960, Total: 183,560, Base Year: 2023). The sidebar on the left lists various property types and services, with 'Values' selected. The sidebar on the right includes a '1 of 1' search result, actions like 'Printable Summary' and 'Printable Version', and reports for mailing lists and attribute exports. The footer contains links to the Board of Assessors, Customer Service Center, Greenbriar Mall, North Fulton Service Center, and South Fulton Service Center.

BOARD OF ASSESSORS

**Peachtree Center North Tower
(Administrative Office)**
235 Peachtree Street, NE Suite 1400
Atlanta, GA 30303
Hours of Operation:
Monday-Friday 8am-4:30pm



Fulton County Government Center
141 Pryor Street, Suite 1018
Atlanta, GA 30303-3487

Fulton County Customer Service Center
11575 Maxwell Road, Suite 102
Alpharetta, GA 30009

Greenbriar Mall
2841 Greenbriar Parkway, Suite 124
Atlanta, GA 30331

North Fulton Service Center
7741 Roswell Road, N.E., Suite 210
Atlanta, GA 30350

South Fulton Service Center
5600 Stonewall Tell Road, Suite 224
College Park, GA 30349

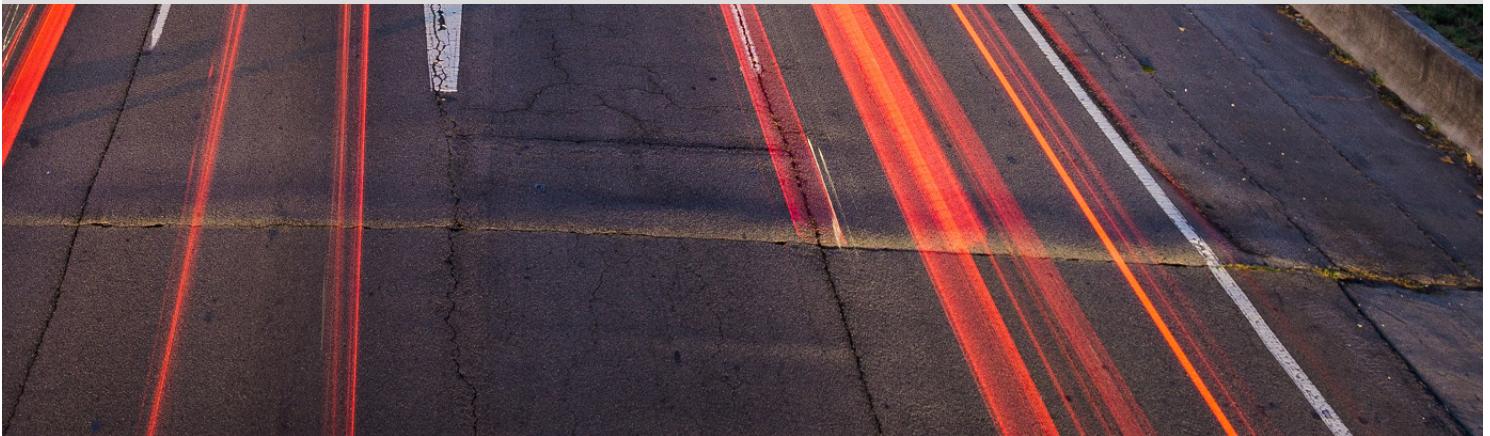


EXHIBIT D

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

James Alphonso Griffin, Jr.,)
Plaintiff,)
v.)
Freedom Mortgage Corporation,)
Defendant.)

Civil Action File No.:
2023CV378048

NOTICE OF FILING NOTICE OF REMOVAL

Notice is hereby given that on July 19, 2023, pursuant to the provisions of 28 U.S.C. §§ 1331, *et seq.*, Defendant Freedom Mortgage Corporation, filed with the United States District Court for the Northern District of Georgia, Atlanta Division, a Notice of Removal of the above-captioned case from the Superior Court of Fulton County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division. A copy of the Notice of Removal is attached hereto as **Exhibit 1**, and notice is being provided to Plaintiff.

Respectfully submitted this 19th day of July, 2023.

BRADLEY ARANT BOULT CUMMINGS LLP

s/ Erik J. Badia
Erik J. Badia
Georgia Bar No. 327905
1230 Peachtree Street, NE
Atlanta, GA 30309
Telephone: (404) 868-2100
ebadia@bradley.com

Keith S. Anderson
Georgia Bar No. 136246
One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203
Telephone: (205) 521-8000
Facsimile: (205) 521-8800

kanderson@bradley.com

Counsel for Defendant Freedom Mortgage Corporation

CERTIFICATE OF SERVICE

I certify that I have on this day served a true copy of the foregoing Notice of Removal by filing a copy of the same with the Court's electronic filing system, which will send notice to all parties of record, and by depositing a copy in U.S. Mail, with adequate first-class postage affixed thereto, addressed as follows:

James Alphonso Griffin, Jr.
165 Fashion Xing
McDonough, GA 30252
Pro Se Plaintiff

this 19th day of July, 2023.

/s/ Erik J. Badia
Erik J. Badia